

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT (PCT Article 36 and Rule 70)

Applicant's or agent's file reference	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/HR 03/00058	International filing date (day/month/year) 10.11.2003	Priority date (day/month/year) 11.11.2002
International Patent Classification (IPC) or both national classification and IPC C07H17/08		
Applicant PLIVA D.D.		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 02.06.2004	Date of completion of this report 06.08.2004
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer Klein, D Telephone No. +49 89 2399-7896



**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/HR 03/00058

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

1-14 as originally filed

Claims, Numbers

1-16 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: **english**, which is:

- the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
 the language of publication of the international application (under Rule 48.3(b)).
 the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- contained in the international application in written form.
 filed together with the international application in computer readable form.
 furnished subsequently to this Authority in written form.
 furnished subsequently to this Authority in computer readable form.
 The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
 The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- the description, pages:
 the claims, Nos.:
 the drawings, sheets:

5. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

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**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes:	Claims	1-16
	No:	Claims	---
Inventive step (IS)	Yes:	Claims	1-16
	No:	Claims	---
Industrial applicability (IA)	Yes:	Claims	1-16
	No:	Claims	---

2. Citations and explanations

see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/HR 03/00058

Re Item I

The examination is being carried out on the **following application documents:**

Description, pages:

1-14 as originally filed

Claims, No.:

1-16 as originally filed

Re Item V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document:

D1: WO-A-0066603

Novelty :

The subject-matter of the present application concerns sulfonylphenylcarbamoyl derivatives of azithromycin and a process for the preparation thereof.

Since none of the available prior art discloses these compounds, the subject-matter of claims 1-16 is considered new.

Inventive Step :

D1, which is considered to represent the closest prior art, discloses arylcarbamoyl derivatives from which the subject-matter of the present application differs in the presence of para-sulfonyl derivatives fixed on the phenyl group.

The problem to be solved can be considered as providing alternative antibacterial compounds.

Since none of the available prior art documents suggest the presence of p-sulfonyl derivatives on the aromatic group and furthermore, since these compounds show biological activities, the subject-matter of the present application is considered inventive.

**INTERNATIONAL PRELIMINARY
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International application No. PCT/HR 03/00058

Industrial applicability :

The subject-matter of the present application fulfils the requirement of industrial applicability.